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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TEMUJIN LABS INC., a Delaware
corporation, and TEMUJIN LABS INC., a
Cayman Islands corporation,

Plaintiffs,

v.

TRANSLUCENCE RESEARCH, INC., a
Delaware corporation (d/b/a Espresso
Systems) *et al.*

Defendants.

Case No. 21-CV-09152-NC

**PLAINTIFFS' THIRD PERIODIC
STATUS REPORT ON THE RELATED
CALIFORNIA STATE COURT CASE**

Judge: Hon. Nathanael Cousins

Filed: November 24, 2021

PLAINTIFFS' THIRD STATUS REPORT
ON THE RELATED CALIFORNIA STATE COURT CASE

THIRD STATUS REPORT

Plaintiffs file this Third Periodic Status Report in accordance with the Court's January 31, 2023 Order. Doc. No. 65 at 2:5 – 6 ("file a short status report on the state court case every 6 months") (referencing Santa Clara Superior Court Case No. 20CV372622 (the "Related Case")).

Plaintiffs do not have federal Defend Trade Secrets Act claims in the Related Case and have been unable to advance their intellectual property claims as effectively as they would like. Plaintiffs advanced seven of their eleven causes of action in the Related Case past demurrer. The Superior Court granted them leave to amend the remaining four causes of action, including their sole trade-secret-misappropriation cause of action, which they did on July 22, 2024.

Temujin (Delaware) demurred to a Cross-complaint in the Related Case based in large part on the fact that it did not exist during the core conduct in question. It also asserted the allegations against it lacked particularity. The Superior Court overruled its demurrer.

Voluminous discovery requests from the Related Case defendants have driven that case thus far. Plaintiffs recently supplemented their responses to those requests and continue to respond substantively. They made more limited discovery requests. But still, no defendant in this case has produced any documents in response to requests in the Related Case. Plaintiffs also subpoenaed Translucence and certain of its investors. But they have not responded meaningfully.

The Related Case parties recently submitted proposed scheduling orders. Their proposals largely overlapped on due dates for, among other things, the close of fact discovery (April/May 2025), initial and rebuttal expert reports (June and July 2025), and summary judgment motions (November 2025). They each sought trial dates in the first part of 2026. The Superior Court has not yet issued its scheduling Order.

Dated: August 1, 2024

SAC ATTORNEYS LLP

/s/ James Cai

James Cai, Esq.

Brian Barnhorst, Esq.

Patrick O'Shaughnessy, Esq.

Woody Wu, Esq.

Counsel for Defendants

PROOF OF SERVICE

Temujin Labs Inc. et al. v. Translucence Research et al.

N.D. Cal. Case No. 5:21-cv-09152 (filed Nov. 24, 2021)

I, Patrick O'Shaughnessy, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 1754 Technology Drive., Suite 122, San Jose, CA 95110. On the date below, I served the within documents:

• **PLAINTIFFS' THIRD PERIODIC STATUS REPORT ON THE RELATED STATE COURT CASE**

On the party (ies) in this action, through his/her/their attorneys of record, by placing true and correct copies thereof in sealed envelope(s), addressed as shown on the attached Service List for service as designated below:

☐ **(By US Mail)** I placed, on the date shown below, at my place of business, a true copy thereof, enclosed in a sealed envelope, with postage fully pre-paid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business, addressed to those listed on the attached Service List.

☐ **(By Overnight Delivery)** I enclosed the listed documents in an envelope or package provided by carrier and addressed to the person(s) listed on the attached service. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☒ **(By Electronic Service)** based on an agreement of the parties to accept service by electronic transmission. I caused the documents to be sent to the person(s) at the electronic notification addresses listed on attached service list, I did not receive within a reasonable time after the transmission and electronic message or other indication that the transmission was unsuccessful.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed in Walnut Creek, California on **August 1, 2024.**

/s/ Patrick O'Shaughnessy
Patrick O'Shaughnessy

SERVICE LIST

Courtesy Copy to:

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